



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on January 16, 2003

NOTICE OF ACTION TAKEN -- DOCKET OST-2003-14288- 2

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **Antonov Design Bureau**

Date Filed: January 15, 2003

Relief requested:

- (1) Exemption from the foreign air carrier permit and exemption conditions of Order 98-2-5; and
- (2) Statement of authorization under 14 CFR Part 212 of the Departments rules to the extent necessary to permit Antonov Design Bureau (Antonov) to operate one one-way fifth-freedom cargo charter flight with AN-124 aircraft over the routing Washington, D.C. (Dulles)-Khartoum, Sudan-Karachi, Pakistan-Kabul, Afghanistan, departing Washington on January 16, 2003.

In support of its requests, Antonov states that Order 98-2-5, issued pursuant to Executive Order 13067, strictly prohibits virtually all transactions involving transportation of cargo to from Sudan, and does not address exceptions in the Executive Order. In that regard, Antonov notes that Section 3(a) of the Executive Order states that nothing in the order shall prohibit "transactions for the conduct of the official business of the Federal Government or the United Nations by employees thereof." Antonov states that it is Antonov's understanding that the shipment qualifies as "official business of the Federal Government" and requests an exemption from the conditions imposed in Order 98-2-5 to permit it transport the material to Sudan.

Antonov states that it will transport building modules and equipment to be used for security enhancements to the Embassy buildings in the three cities, adding that safety and security considerations, and the need to deliver the cargo in a timely manner, warrant prompt approval of its requests. Antonov states that the cargo to be transported is outsized and no civil aircraft operated by U.S. carriers are capable of carrying such outsized cargo. Antonov further states that it holds requisite Department authority to conduct the proposed services.

Applicant representative: Robert E. Cohn/Sheryl R. Israel (202) 663-8312
DOT Analyst: Gordon H. Bingham (202) 366-2404

Responsive pleadings: By letter dated January 15, 2003, the Department of State filed a letter stating that the shipment on behalf of the Department of State contains construction materials to be used to provide security enhancements at the U.S. mission in Khartoum. A copy of the State Department's letter will be placed in this docket. Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Antonov.

DISPOSITION

Action: Approved

Action date: January 16, 2003

Effective dates of authority granted: January 16-25, 2003

Basis for approval: Based on the letter from the Department of State, we found, based on the record before us, that the authority requested by Antonov and the grant of Antonov's request for an exemption was in the public interest. In addition, we also found that grant of Antonov's request for a statement of authorization under 14 CFR Part 212 was in the public interest. We also found that reciprocity with Ukraine warranted approval of its request to operate the subject flight.

Except to the extent exempted/waived, this authority is subject to our standard exemption conditions and to the condition that Antonov comply with an FAA-approved flight routing for the authorized flight.

We may amend, modify or revoke this authority at any time and without hearing.

Action taken by: Read C. Van de Water
Assistant Secretary of Aviation
and International Affairs
